



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------------|------------------------|
| 10/725,826 | 12/02/2003 | John B. Amundson | H0005444-9950. (1161.11401) | 3578 |
| 128 7590 02/20/2008 HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245 | | | EXAMINER KASENGE, CHARLES R | |
| | | | ART UNIT 2121 | PAPER NUMBER |
| | | | MAIL DATE 02/20/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,826

Applicant(s)

AMUNDSON ET AL.

Examiner

Charles R. Kasenge

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☒ Claim(s) 4 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 11/13/07, with respect to the rejection(s) of claim(s) 1-40 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Smith et al. U.S. Patent 7,302,642.

Claim Objections

2. Claims 4 and 15 are objected to because of the following informalities: in line 3, "least two time period" should be "least two time periods". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-33 and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. 7,302,642. Regarding claims 1 and 40, Smith discloses a method of accessing a schedule on a controller coupled to a user interface, comprising the steps of: initiating a schedule review mode within the controller, said schedule review mode permitting viewing access only and not permitting

editing access to at least one schedule parameter in the schedule (col. 9 and 10, lines 66-8), while in the schedule review mode, manually selecting via the user interface one or more schedule parameters (col. 9 and 10, lines 66-8); in response to the manually selecting step, displaying the one or more manually selected schedule parameters via the user interface (col. 9 and 10, lines 66-8); and exiting the schedule review mode (col. 10, lines 1-6). The Examiner asserts that when a user is initiating the REVIEW, the user is manually selecting review/display of all the schedule parameters.

Regarding claims 2-5, 13-16, and 26-29, Smith discloses the method of claim 1, further comprising the steps of: initiating an editing mode within the controller (col. 9, lines 12-54); and while in the editing mode, modifying at least one schedule parameter of the schedule, wherein the schedule review mode must be exited before the editing mode is initiated (col. 10, lines 1-6). Smith discloses the method of claim 2, wherein the step of initiating the schedule review mode occurs prior to the step of initiating the editing mode (col. 10, lines 1-6). Smith discloses the method of claim 1, wherein said schedule includes at least two time periods, with one or more schedule parameters corresponding to each of the at least two time period, at least one of the time periods corresponding to a wake period, a leave period, a return period, or a sleep period (col. 7, lines 27-32; col. 8, lines 24-51). Smith discloses the method of claim 1, wherein said one or more schedule parameters is selected from the group consisting of an event time parameter, a heat set point parameter, a cool set point parameter, a fan mode parameter, and a humidity level parameter (col. 7, lines 27-39).

Regarding claims 6-8, 17-19, and 30-32, Smith discloses the method of claim 1, wherein the user interface comprises a touch screen (col. 6, lines 25-39), display panel and keypad (Fig. 3), and a menu-driven interface (col. 7, lines 16-23). Regarding claims 9-12, 20-23, and 33, Smith discloses the method of claim 1, wherein said schedule is a heating, cooling, or venting schedule, and the

controller is a HVAC controller (col. 3, lines 30-41). Regarding claims 24 and 38, Smith discloses the method of claim 13, wherein said one or more schedule parameters are unmodifiable in the schedule review mode (col. 9 and 10, lines 66-8).

Regarding claims 25 and 39, Smith discloses a programmable controller for use in controlling a system, the controller comprising: a user interface (Fig. 3); and a processor configured to run a scheduling routine for modifying a schedule, the scheduling routine including a separate schedule review mode (col. 9 and 10, lines 66-8) and editing mode (col. 9, lines 12-54); wherein the schedule review mode is configured to permit the user to display one or more schedule parameters on the user interface without allowing the user to modify at least one of the schedule parameters without first initiating the editing mode (col. 9, lines 12-54; col. 9 and 10, lines 66-8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '642 et al. as applied to the claims above, and further in view of Smith et al. U.S. Patent 6,192,282.

Regarding claims 34-37, Smith '642 does not disclose a controller for a security, lighting, sprinkler or A/V system. Smith '282 et al. discloses a controller wherein said system is a security, lighting, sprinkler, or A/V system (col. 8, lines 25-32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to implement Smith '642's method for accessing a schedule for a controller that controls security, lighting, sprinkler and A/V system. One of ordinary skill in the art would have been motivated to do this since Smith '282's controller is used for HVAC as well as the other systems (Fig. 1).

Allowable Subject Matter

7. The Examiner notes that if the Applicant amends the claims to clearly distinguish the "manually selecting" step from the cited prior art, it would be allowable over the Smith '642 reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/725,826
Art Unit: 2125

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK
February 6, 2008

A. Decady
SPR 2121